

## **CITY COUNCIL MEETING MONDAY, MARCH 26, 2007**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Father Nicholas Halkias from St. Constantine and Helen Greek Orthodox Church.

All present pledged to the flag.

### **ATTENDANCE**

Council President Spencer  
Councilor Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Baez, District 5  
Councilor Waltman, District 6

Mayor T. McMahon  
Managing Director L. Churchill  
City Solicitor C. Younger  
City Clerk L. Kelleher  
City Auditor D. Cituk  
Public Works Director C. Jones

### **PROCLAMATIONS AND PRESENTATIONS**

#### **Council Commendation:**

Recognizing Greek Independence Day, accepted by members of St. Constantine and Helen Greek Orthodox Church.

### **PUBLIC COMMENT**

Council President Spencer announced that two citizens were registered to address Council about agenda matters.

Barry Carl, of N. 8<sup>th</sup> Street, expressed the belief that the use of security cameras in Reading is essential to fight crime. He described the benefits proven by the personal system used to protect his home.

Barbara Holland, of Temple, stated that the independent trash haulers provided input into the proposed Solid Waste Ordinance at a meeting held two weeks ago. She stated that the draft under consideration does not reflect the changes proposed. She requested that the changes proposed by the independent haulers be considered by Council before they adopt the Solid Waste Ordinance. She noted the hauler's objections to several requirements and fines for not complying with the zoned trash collection schedule.

### **APPROVAL OF AGENDA AND MINUTES**

Council President Spencer called Council's attention to the minutes from the March 12, 2006 regular meeting and the agenda for this meeting, including the legislation listed under the consent agenda heading. He noted that there were no additions or corrections to the agenda.

**Councilor Marmarou moved, seconded by Councilor Baez, to approve the minutes from the March 12, 2007 regular meeting of Council and the agenda including the legislation listed under the consent agenda heading. The motion was approved unanimously.**

### **CONSENT AGENDA**

**Resolution-** authorizing the submission of an application for a DCNR grant for the rehabilitation of the Essick and 3rd and Spring playgrounds. **(Grants Coordinator)**

**Resolution-** authorizing Public Works to see engineering, technical and capital requests for qualifications, proposals, bids and quotes related to the Consent Decree. **(Public Works)**

**Resolution-** authorizing an amendment to the scope of the Black and Veatch contract. **(Public Works)**

### **ADMINISTRATIVE REPORT**

Mayor McMahon highlighted the report distributed to Council at the meeting. The report covers:

- Recognizing the Reading Police Department, PA State Police, and the Office of Attorney General for their cooperation resulting in the round-up of a very significant drug ring
- Re-cap of the 17<sup>th</sup> Annual Jazz Fest
- Cherry Blossom Festival scheduled for April 8-22

Councilor Goodman-Hinnershitz expressed the belief that the story in the Reading Eagle provided a good look at the drug problem from recovering from addiction to law enforcement. She noted the programs available to assist those with addiction problems. She explained that the problems of drug trafficking intermingle with those of addiction.

Councilor Goodman-Hinnershitz also remarked the ongoing success of the City's annual Jazz Festival and noted the positive comments heard from visitors to the Reading area.

### **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting. The report covers:

- Update on the 2007 admissions fee
- Update on the 2007 Real Estate Transfer Tax
- Notation on the presentation of the Fire Escrow Audit results at the April 9 regular meeting of Council.

### **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 16-2007** - amending the City of Reading Codified Ordinances by regulating advertisements for the sale of real estate in the City of Reading **(Waltman/Goodman-Hinnershitz) Introduced and tabled at the 03/12/07 meeting of Council**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to table Bill 16-2007.**

Council President Spencer announced that Council will be discussing this, along with two other housing ordinances, at an upcoming Housing Summit scheduled for Thursday, April 12, 2007 at 5 pm.

**Bill 16-2007 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 17-2007** – authorizing the submission of a referendum question to define the term “residency” in the City of Reading Home Rule Charter (**Solicitor & Council Staff**) ***Introduced at the 03/12/07 meeting of Council; discussed at the 03/12/07 Committee of the Whole***

**Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill 17-2007.**

Council President Spencer explained the need for a Charter amendment which will provide a definition of residency in the Charter. He explained that the past three administrations have questioned the meaning of residency in the Charter. This amendment will provide that clarification.

**Bill 17-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 18-2007** – authorizing the submission of a referendum question to provide neutrality for the Solicitor by requiring that dismissal be approved by the Mayor and Council (**Solicitor & Council Staff**) ***Introduced at the 03/12/07 meeting of Council; discussed at the 03/12/07 Committee of the Whole***

**Councilor Waltman moved, seconded by Councilor Baez, to enact Bill 18-2007.**

Council President Spencer explained that if enacted by Council this Ordinance will place a referendum question on the ballot that attempts to provide the City Solicitor with some form of neutrality whereby the Solicitor could only be terminated with the agreement of the Mayor and majority vote of Council.

**Bill 18-2007 was not adopted by the following vote:**

**Yea: None – 0.**

**Nay: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Bill No. 19-2007** - increasing the salary of the Police Chief in accordance with Section 706 of the City of Reading Home Rule Charter and Bill No. 22-2002, which established procedures for City Council to provide annual increases to department directors **(Managing Director)**  
***Introduced at the 03/12/07 meeting of Council***

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 19-2007.**

Managing Director Churchill explained that the Administration recommends this merit increase due to the extraordinary leadership and achievements of the Police Chief.

Councilor Goodman-Hinnershitz expressed the belief that the performance of the Chief does warrant the recommended increase.

Councilor Sterner also agreed with the recommended increase. He expressed reservation with the rate in which the salary is growing and added that increases in salary are accompanied by increased accountability from the employee.

Council President Spencer stated that he will vote against the Ordinance due to his belief that the salary is too far out of line with that earned by other department directors. He stated that his negative vote is not a reflection on the performance of Chief Heim.

**Bill 19-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman - 6.**

**Nay: Spencer President – 1.**

**Bill No. 20-2007** - amending Section 1-271 of the City of Reading Personnel Code by increasing the salary range for the Chief of Police Chief **(Managing Director)** ***Introduced at the 03/12/07 meeting of Council***

**Councilor Waltman moved, seconded by Councilor Fuhs, to enact Bill 20-2007.**

Managing Director Churchill explained the enactment of this Ordinance will increase the salary range for Police Chief to accommodate the salary adjustment made through the enactment of Bill 19-2007.

**Bill 20-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 21-2007** - amending the City of Reading Capital Improvement Plan, by substituting new projects for deleted existing projects **(Managing Director) Introduced at the 03/12/07 meeting of Council**

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 21-2007.**

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to amend Bill 21-2007 by adding \$65,000 for the East Reading Pool renovation project.**

Managing Director Churchill explained that the total renovations are estimated at \$215,000 with \$150,000 budgeted under CDBG and \$65,000 under CIP. While the amount charged to the CDBG budget will provide for construction expenses the amount budgeted under CIP will assist the pool with some debt issues.

Councilor Sterner questioned the inclusion of the African-American Museum in the CIP noting the Administration previously told Council that funding would not be provided until the organization brought forward other viable partners and contribution commitment.

Managing Director Churchill explained that this amendment will only add the African-American Museum into the plan. Funding will not be delivered until obligations are met by the organization.

**The amendment to Bill 21-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

Nay: None – 0.

Councilor Fuhs moved, seconded by Councilor Baez, to table Bill 21-2007 as amended.

The motion to table Bill 21-2007 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

**Bill No. 22-2007** - amending Chapter 20, Part 1 Solid Waste, of the City of Reading Codified Ordinances **(Managing Director) Introduced at the 03/12/07 meeting of Council**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to table Bill 22-2007.

Bill 22-2007 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.

Nay: None – 0.

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following Ordinances into the record:

**Ordinance-** amending Chapter 20 Solid Waste, Section 2 Dumpster Placement, of the City of Reading Codified Ordinances **(Solicitor)**

**Ordinance-** amending the City of Reading Codified Ordinances by adding a new part dealing with initiative and referendum **(Council Staff)**

**Ordinance-** establishing an Environmental Advisory Board **(Sponsored by: Goodman-Hinnershitz; approved by the Public Works Committee)**

**Ordinance-** authorizing the conveyance of East Reading Pool to the City of Reading **(Public Works/Solicitor)**

**Ordinance-** authorizing the Mayor to enter into agreement terminating the Clinton F. Earl Trust **(Managing Director/Solicitor)**

**Ordinance-** amending Chapter 11, Housing, of the City of Reading Codified Ordinances **(Managing Director/Solicitor)** ***Introduced at the 03/12/07 meeting of Council***

**Ordinance-** adopting a Stormwater Management Ordinance, as required by EPA and DEP **(Public Works)** ***Introduced at the 03/12/07 meeting of Council***

## **RESOLUTIONS**

**Resolution No. 42-2007** - authorizing the reallocation of CDBG funds **(Community Development)** ***discussed at the 03/12/07 Committee of the Whole; tabled at the 03/12/07 meeting of Council; further discussed at the 03/22/07 Finance Committee meeting***

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution 42-2007.**

**Councilor Fuhs moved, seconded by Councilor Waltman, to amend Resolution 42-2007 by reducing the allocation for the Office of Neighborhood Development by \$159,000.**

**The amendment to Resolution 42-2007, reducing the allocation for the Office of Neighborhood Development by \$159,000, was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution 42-2007 as amended.**

Councilor Fuhs inquired if the allocation for the façade projects captures all three projects: the Liberty Fire Museum, the PAL/Olivets Building, and the Centre Park Artifacts Bank. City Clerk Kelleher and Managing Director Churchill confirmed that all three projects are included in this allocation.



Councilor Goodman-Hinnershitz noted the benefit the areas and facilities will realize due to this reallocation of CDBG funds.

Council President Spencer requested that the allocation for the RAFT program be considered separately due to his participation on the PAL/Olivet's Board.

Managing Director replied that the RAFT program is run by the City, not the PAL/Olivet's organization, therefore the abstention of the Council President will not be necessary.

Council President Spencer withdrew his request.

Councilor Sterner stated that he will not vote in favor of the reallocation due to his belief that the City's total contribution to the artifacts bank of approximately \$200,000 over a short period of time is excessive.

Councilor Goodman-Hinnershitz expressed the belief that as the Liberty Fire Museum, the Centre Park Artifacts Bank, and PAL/Olivet's buildings are open for public use, it is proper to afford public funding to these projects.

**Resolution 42-2007, as amended, was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Waltman, Spencer President – 6.**

**Nay: Sterner - 1.**

**Resolution No. 46-2007** - eliminating the required funds for façade projects scheduled for the Centre Park Artifacts Bank and the Olivet's Building **(Waltman) discussed at the 03/12/07 Committee of the Whole; tabled at the 03/12/07 meeting of Council; further discussed at the 03/22/07 Finance Committee meeting**

**Councilor Fuhs moved, seconded by Councilor Waltman, to adopt Resolution 46-2007.**

Councilor Waltman expressed his belief in the merit of the projects and the work done by all organizations.

Councilor Sterner expressed concern that diversion from the City policy will open doors for additional requests.

Councilor Goodman-Hinnershitz replied that the request for the elimination of the matching funds is proper as the organizations are not for profit.

Council President Spencer announced the need for his abstention in the vote due to his participation on the PAL/Olivet's Board.

**Resolution 46-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Waltman – 5.**

**Nay: Sterner – 1.**

**Abstain: Spencer President – 1.**

**Resolution 51-1007** - adopting a policies and procedures manual for City Council (**Administrative Oversight**)

**The Administrative Oversight Committee moved to adopt Resolution 51-2007.**

City Clerk Kelleher explained that during the past four months Council staff has worked together to draft this policy and procedure handbook. She stated that the practices and procedures of Council over the last ten years are now in written form and can be consulted as needed. Some examples of the policies and procedures contained in the book are as follows:

- Agenda process
- Filling a vacant Council seat
- Amending the Comprehensive Plan
- Addressing the redistricting required by the Charter after the decennial census

Councilor Sterner and Councilor Goodman-Hinnershitz thanked Council staff for the work done to create this handbook. They noted the value of the book for this and future Councils.

**Resolution 51-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 52-2007** - placing an immediate three (3) month moratorium on issuing of Housing Permits **(Marmarou)**

**Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolution 52-2007.**

Councilor Marmarou stated that by placing a moratorium on the issuance of housing permits will allow for the adoption for the new Housing Permit Ordinance which will place the new requirements on all.

Councilor Sterner agreed with the concept but disagreed with the application.

Councilor Waltman expressed the belief that further discussion is required.

**Councilor Waltman moved, seconded by Councilor Marmarou, to amend Resolution 52-2007 by replacing the wording in the Resolution as follows “Place a two month moratorium beginning immediately on the issuance of all housing permits for those properties zoned as single family rentals.”**

Councilor Goodman-Hinnershitz noted the problems that the moratorium could cause may be greater than issues the City is seeking to solve. She suggested further discussion.

Councilor Marmarou expressed the belief that the moratorium will only cause a delay of the approval of housing permits. He explained that those owning rental properties can make application. The moratorium will only prevent the approval until the Housing Permit Ordinance is adopted.

Councilor Goodman-Hinnershitz inquired when housing permits are issued. Managing Director Churchill explained that they are issued in May and June or when a property is transferred.

**Resolution 52-2007, as amended, was adopted by the following vote:**

**Yea: Baez, Fuhs, Marmarou, Waltman – 4.**

**Nay: Goodman-Hinnershitz, Sterner, Spencer President – 3.**

## **COUNCIL COMMENT**

Councilor Fuhs noted the history of the Liberty Fire House Museum built in the 1800's. He encouraged all citizens to visit and volunteer at this facility. He noted the upcoming dinner/dance to benefit Years of Tears.

Councilor Fuhs inquired about the \$1.8 million expenditure for security cameras. He requested answers to the questions he posed last week. He also requested that the Administration distribute reports and statistics that support the installation of security cameras. He expressed the belief that the repair of the street lights and Pagoda lights on Penn Street, lack of compliance with the Ordinance requiring neighborhood businesses to comply with specific regulations and improved street markings are more critical to safe streets. He noted the need for further justification on the proposed project prior to Council approval.

Councilor Sterner expressed appreciation for the history of the Greek Community. He noted the upcoming District 3 community meetings.

Councilor Sterner agreed with the compelling statement made by Councilor Fuhs and agreed with the need for thorough review of the security camera project prior to adoption.

Councilor Baez announced her upcoming community meeting held for 15<sup>th</sup> Ward residents. She stated that she could support a security camera project if it began as a pilot project. She suggested that the Administration search out and report on grant funding available to offset the costs to the taxpayers.

Councilor Marmarou thanked Council for commending the Greek community. He noted the importance of celebrating the ethnic heritage of communities in Reading.

Councilor Marmarou agreed with the issues raised about the security camera project. He stated that although the cameras can be a deterrent to crime all factors including maintenance and operation costs must be considered.

Councilor Goodman-Hinnershitz noted her belief in a healthy debate on the camera project. She noted past discussions pertaining to pro and con research on the subject. She noted the need for new programs with specific goals, similar to those used by offices and businesses. She also agreed with the use of a pilot security camera project.

Councilor Goodman-Hinnershitz announced the upcoming District 2 community group meetings. She also announced the Reading Crime Watch spaghetti dinner on Saturday, April 14 from 12-8 pm.

Councilor Goodman-Hinnershitz noted her admiration for Councilor Marmarou's work to affect change in the housing issue.

Councilor Fuhs announced his Town Meeting with Congressman Jim Gerlach on Wednesday, April 11 at 6 pm at Calvary Baptist Church.

Councilor Waltman congratulated the Central Basketball team on their State Championship. He agreed with the need for further discussion on the Solid Waste Ordinance.

Councilor Waltman also agreed with the need for the security camera project to be focused around specific goals.

Council President Spencer expressed the belief that there is a larger need for security cameras in neighborhoods rather than downtown. He agreed with the need to begin the security camera project with a pilot program in City neighborhoods.

Council President Spencer again announced the Housing Summit scheduled for Thursday, April 12. He stated that invitations will be issued to the Real Estate Investors Assn and the Berks County Realtors Assn.

Council President Spencer requested reports on the results of the NEAR program. He stated that the CARE program receives an allocation of \$20,000 and provides year-long service to over 100 children. He questioned the need for an \$80,000 allocation for a NEAR program that doesn't serve as many children and isn't a full-year program.

Mayor McMahon noted the Administration's ongoing exploration into different police strategies and initiatives. He agreed with the need for further discussion on the camera project. He announced that Allentown just completed the bidding process for their camera project. He noted that studies show a 20% reduction in areas served by cameras. He noted the progress being made with the repair of burned out lights on Penn Street.

Mayor McMahon announced his upcoming meeting with Albright President Lex McMillan to address student housing issues.

Council President Spencer noted that there is a higher incidence of crime in areas away from the downtown. Mayor McMahon replied that the camera project can be placed in neighborhoods through wireless technology.

Councilor Fuhs suggested that the Administration, instead of proposing a three phase security camera program, begin with a pilot program and consider others after weighing the success of the pilot.

**Councilor Fuhs moved, seconded by Councilor Baez, to adjourn the regular meeting of Council.**

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LINDA A. KELLEHER  
CITY CLERK